

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARDINAL HEALTH, INC.

Petitioner,

v.

NATIONAL BOARD OF MEDICAL
EXAMINERS,

Respondent.

No. 2-20-mc-00057-BMS

**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE
REPLY MEMORANDUM IN SUPPORT OF MOTION TO COMPEL DISCOVERY
RESPONSES FROM NATIONAL BOARD OF MEDICAL EXAMINERS**

Petitioner Cardinal Health, Inc., by counsel, submits this Memorandum in support of its motion for leave to file a reply memorandum buttressing its Motion to Compel Discovery Responses (Dkt. 1) from Respondent National Board of Medical Examiners (“NBME”).

A reply memorandum is necessary in this instance to rebut NBME’s assertions in its Opposition (Dkt. 4), *inter alia*, misstating Petitioner’s burden to justify transfer of the Motion to Compel to the court under whose authority the subpoena was issued, misconstruing the relevancy of the materials subpoenaed, and misapprehending the substantial safeguards emplaced to protect the materials’ confidentiality.

For those reasons and others fairly appearing on the record, Petitioner respectfully requests that the Court grant its motion for leave to file the reply memorandum attached to the instant motion.

Dated: June 10, 2020

/s/ Patricia Mulvoy Kipnis

Patricia Mulvoy Kipnis
Bailey & Glasser LLP
923 Haddonfield Road, Suite 307
Cherry Hill, NJ 08002
Telephone: (856) 324-8219
pkipnis@baileyglasser.com

Enu Mainigi
F. Lane Heard III
Ashley W. Hardin
WILLIAMS & CONNOLLY LLP
725 Twelfth Street NW
Washington, DC 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
emainigi@wc.com
lheard@wc.com
ahardin@wc.com
Counsel for Petitioner Cardinal Health, Inc.

CERTIFICATE OF SERVICE

I, Patricia Mulvoy Kipnis, hereby certify that a copy of the foregoing **MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE REPLY MEMORANDUM IN SUPPORT OF MOTION TO COMPEL DISCOVERY RESPONSES FROM NATIONAL BOARD OF MEDICAL EXAMINERS** was electronically filed on June 10, 2020, via the Court's CM/ECF System, which will send notification of such filing to counsel of record.

/s/ Patricia Mulvoy Kipnis

Patricia Mulvoy Kipnis